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C O N F I D E N T I A L SECTION 01 OF 02 TEL AVIV 006886

SIPDIS

E.O. 12958: DECL: 12/10/2015

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SUBJECT: MOJ LIVNI WANTS ELECTION OBSERVERS TO ENCOURAGE
PALESTINIAN ADHERENCE TO A CODE OF CONDUCT

Classified By: Ambassador Richard H. Jones for reasons 1.4 (b) and (d).

1. (C) Summary: Minister of Justice Tzipi Livni raised concerns about the role of Hamas in the upcoming Palestinian elections with A/S Welch on December 8. Livni said she fears Hamas will get more legitimacy from these elections, which will weaken PA President Abbas and damage the concept of democratization. Pressed by A/S Welch for specific ideas to address the challenge posed by Hamas participation, Livni suggested that international observers could demand that parties/candidates participating in monitored elections commit to abide by a code of conduct obliging parties to forswear violence and racism. Livni claimed that President Abbas is looking for an excuse to postpone January elections, and may use disagreement with Israel over the issue of Jerusalem voting to this end. End Summary.

2. (C) Livni shared with A/S Welch and DCM Cretz the "nightmare" scenario she envisions unfolding after Palestinian elections: Hamas will take on the legitimacy that comes with the status of a political party that does well in an election. Once Hamas is part of the system, President Abbas will not have the legitimacy he needs to dismantle the party's terrorist infrastructure. In Livni's view, Hamas will have a major role in determining who serves as the next Palestinian prime minister and the era when the international community influences Palestinian behavior will come to an end. In turn, this will lead to stagnation on roadmap implementation and a return to a cycle of violence.

3. (C) Livni argued that postponing the imposition of demands on Hamas will weaken, not strengthen, President Abbas. The absence of a code of conduct governing Hamas participation in Palestinian elections bodes ill for the concept of democratization we seek to advance, Livni added. She cited Israel's banning of racist political parties (i.e. Meir Kahane's organization) and EU bans on terrorist organizations in countries such as Spain as examples that the Palestinians should emulate. "Hamas is a racist party and its participation (in elections) will lead to violence," Livni assessed. She acknowledged the downsides should Israel make demands on the Palestinians, but urged the U.S. to act now to encourage an international position articulating what constitutes a democratic election.

4. (C) Pressed by A/S Welch for specific ideas, Livni suggested that international observers/monitors could be instrumental in this endeavor as they have a mandate to demand that institutional counterparts (e.g., Palestinian electoral commissions, and political parties) uphold international standards regarding the requirements candidates must fulfill in order for the electoral process to be judged "free and fair." Electoral assistance providers such as the National Democratic Institute (NDI) can shed light on what is legitimate behavior for a democratic party, what is acceptable in a democratic party platform. If it is not too late, such engagement on the meaning of democracy and the rule of law could lead to a process that will help strengthen President Abbas (vis a vis Hamas) before elections. (Note: NDI did provide model codes of conduct to Palestinian civil society organizations. Hamas has not yet signed the code of conduct drafted by these organizations. End Note.)

5. (C) Citing the example of Sinn Fein, Livni expressed the view that a symbolic renunciation of terrorism by political actors participating in elections constitutes an important step in a democratization process. A/S Welch noted that groups such as NDI could not be asked to legislate something that the Palestinians themselves have not done. In fact, they have decided to allow Hamas to run. Livni stressed that the international community does have control over how an election is perceived in the world, and she agreed with Welch's assessment that strong Quartet and EU statements of position had advanced this objective.

6. (C) Livni said she believed that President Abbas intends to postpone Palestinian elections because of internal Fatah divisions, an analysis that other Israeli interlocutors also shared with A/S Welch (septels). Livni said she would welcome postponement, but does not want Israel to be blamed for it as that could engender violence. She claimed Abbas would use the issue of elections in Jerusalem as the excuse for postponing elections. Livni acknowledged Israeli obligations under the Interim Agreement to help with

Palestinian elections, but she focused on the message that the PA also has obligations now.

17. (U) NEA A/S Welch cleared this message.

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JONES